THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, the 4th day of June,2007

W.P.No.350 of 2007

Between:-

Hindustan Coca Cola
Beverages Private Limited,
a Company incorporated under
the Companies Act,1956, having
its Bottling Unit at Hyderabad
represented by its Head –HR,
Mr.G.V.R.K. Raju … Petitioner

and

The Authority under Section 48(1)
of A.P. Shops & Establishments
Act,1988 and Asst. Commissioner
of Labour, Nizamabad
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.350 of 2007

ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to the docket Order dated 30-8-2006 made in Case No.S.E.4 of 2005 on the file of the Authority under Section 48(1) of the Andhra Pradesh Shops and Establishments Act,1988-cum-Assistant Commissioner of Labour, Nizamabad and quash the same.

Under the impugned docket Order, after hearing both the parties, the I.A. filed by the petitioner-Management seeking to decide a preliminary issue that the 2nd respondent is an exempted employee under Section 73 of the A.P. Shops & Establishments Act,1988 (for short 'the Act'), was dismissed.

There is no necessity of going into all the details. May be, the Authority was correct in not allowing the I.A. to raise a preliminary issue to be decided by it; but that does not mean that the Authority cannot frame an issue for the objection raised by the Management that the 2nd respondent herein is an exempted employee under Section 73 of the Act. Under those circumstances, while upholding the impugned Order, the 1st respondent-Authority is directed to frame an issue as to whether the 2nd respondent is an exempted employee as per Section 73 of the Act and decide the matter finally, along with other issues, as per law.

With the above directions, the Writ Petition is disposed of. No order as to costs.

04-6-2007

prk